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LB 43

attention to something that I think is important. You will not...you will hear about lawyers, you will hear about judges, you will hear about courts, you will hear about the Supreme Court, you will hear about lawsuits and appeals, but what this is really about is our citizens. One hundred and forty-four, as I recall the testimony, 144 cases have been appealed to the Nebraska Supreme Court and dismissed over a relatively short period of time because of this particular issue. So I will try and explain this, although it's somewhat technical, I would suggest to you it is simple, and you will understand it, and I hope you will adopt AM1118 and advance LB 43. We are dealing here with some ancient language in our statutes, and I'm going to read it, because it's fun, I think you'll understand the problem. The question is, when does the time for an appeal from a judgment begin to run? Now listen to this language. "Entry of judgment is the act of the clerk of the court in spreading the proceedings had and the relief granted or denied on the journal of the court." Which means, is it when the judge speaks? Is it when the judge makes a notation on what we call the docket sheet? Is it when the lawyer draws the judgment, has the other lawyer sign it as to form, submits it, or when the clerk file stamps it in the clerk's office? So what we are really doing is harmonizing and using plain English to explain exactly when it is that we have the rendition of a judgment, when judgment is entered, and when the time for appeal begins to run. The reason that AM1118, which was unanimously advanced to the floor by your Judiciary Committee, is 30 pages long, is because we are going throughout the statutes of the state of Nebraska and making a correction at each point that it's necessary to do so. There has been a great deal of confusion, as I've indicated. We have consumed a great deal of appellate judicial time with regard to this issue, and we need this clarification. We will now provide, by statute everywhere appropriate, that rendition of judgment is the act of the court or a judge thereof in making and signing a written notation of the relief granted or denied in an action. And we will specifically and expressly define entry of a judgment, decree or final order occurs when the clerk of the court places the file stamp and date upon the judgment decree or final order. For purposes of determining the time for appeal, that date so stamped on the judgment, decree or final order shall be the date of entry. It is really that simple, it is that clear, it is